

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**LATNEY A. RUSSELL,**

**Plaintiff,**

**v.**

**FLIXBUS, INC.,**

**Defendant.**

**CIVIL ACTION FILE**

**NO. 1:23-CV-796-MHC**

**ORDER**

This case comes before the Court on Plaintiff Latney A. Russell (“Russell”)’s Motion for Leave to Amend his Complaint [Doc. 9] and Motion Objecting to Biased Joint Preliminary Report and Discovery Plan (“Obj. to Joint Prelim. Report”) [Doc. 10].

In his Complaint, Russell seeks relief against Defendant FlixBus, Inc. (“FlixBus”) for injuries he allegedly suffered as a result of an assault by another passenger on a bus that Russell allegedly scheduled through FlixBus. Compl. [Doc. 1-1] ¶ 4. The bus was operated by a third-party operator. *Id.* Russell seeks to amend his complaint to add the third-party operator as a Defendant. Mot. for Leave to Amend at 5-6. FlixBus has no objection to his request. Def.’s Resp. to

Motion to Seek Leave to Amend his Complaint [Doc. 9] is **GRANTED**. FED. R. CIV. P. 15(a)(2).

In addition, Russell objects that “Flixbus” was inserted as a response to the following statement in the Joint Preliminary Report and Discovery Plan: “(b) The following persons are improperly joined as parties: FlixBus[.]” Joint Prelim. Rep. & Disc. Plan § 5(b); Obj. to Joint Prelim. Report at 3-4. Russell contends that he did not consent to Defendant’s assertion that FlixBus was improperly joined. Obj. to Joint Prelim. Report at 3 (“I had no issue with formal paragraphs of the report but I cannot agree to the paragraphs suggesting that FlixBus Inc was mistakenly incorporated as a defendant.”). In response, FlixBus argues that Russell delayed in sending over edits and that the only changes he had were to the “Description of the Case” section. Resp. to Pl.’s Obj. to Joint Prelim. Report [Doc. 12]. However, Flixbus attached Russell’s edits to the Joint Preliminary Report in which the word “None” is typed in response to whether there are improperly joined parties. Draft Joint Prelim. Report & Disc. Plan [Doc. 12-2] § 5(b). Consequently, it appears that Russell did not consent to adding FlixBus as an improperly joined party in the Joint Preliminary Report and Discovery Plan. Id. Accordingly, Russell’s Motion to Object to the Joint Preliminary Report [Doc. 10] is **GRANTED IN PART**, so that the Court deems the contention that FlixBus is improperly joined as an

argument of FlixBus only, which is opposed by Russell. Any further requested request relief is **DENIED**.

**IT IS SO ORDERED** this 25th day of April, 2023.



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MARK H. COHEN  
United States District Judge